

REMARKS

Favorable reconsideration of this application in view of the remarks to follow is respectfully requested. In the present Response, independent claim 1 has been amended. Claims 14 and 33 are cancelled. Claims 1-7, 9-13, 15-18, 20, 28-32, 34-36, and 38 remain pending. Of these, claims 1, 10, and 28 are independent.

Claim Objections

In the outstanding Office action, claims 14 and 33 are objected to under 37 C.F.R. §1.75(c) as being of improper dependent form for failing to further limit the subject matter of respective independent claims 10 and 28. Since claims 10 and 28 incorporate the subject matter of dependent claims 14 and 33, the dependent claims have been cancelled and the objection is overcome.

Claim Rejection – 35 U.S.C. §112, second paragraph

In the outstanding Office Action, the Examiner has rejected claims 1-7, 9, and 35 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Specifically, the Examiner rejects claim 1 and its dependent claims for reciting “said user interface” without providing sufficient antecedent basis for the limitation. Claim 1 has been amended to recite “a user interface.” Thus, the rejection is overcome.

Claim Rejection – 35 U.S.C. §103(a)

In the outstanding Office Action, the Examiner has rejected claims 1-7, 9-18, 20, 28-36, and 38 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Application 2007/0118645 to Suturs, hereinafter “Suturs,” in view of U.S. Patent 7,295,556 to Roese et al., hereinafter “Roese.” Applicant respectfully traverses for at least the following reasons.

Applicant submits that the claimed invention was not described in a printed publication or a U.S. Patent Application prior to the inventing of the claimed invention. As evidence of prior invention, Applicant asserts that the claimed invention was conceived prior to the effective filing date of Suturs, i.e. prior to November 13, 2003. See paragraph 4 of the attached Declaration pursuant to 37 C.F.R. §1.131, and further attached Exhibit A, consisting of an Invention Disclosure Form submitted to in-house counsel.

Applicant further contends that a patent application was expediently prepared and filed shortly thereafter. See paragraphs 6-13 of the Declaration, and corresponding exhibits B-F. Accordingly, Applicant submits that the timely filing of the Application fully meets the requirements of the U.S. Patent laws.

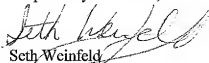
Therefore, the claimed invention was not described in a U.S. Patent Application or printed publication prior to Applicant’s invention as required by 35 U.S.C. §102/103(a), thus invalidating Suturs as a prior art reference. Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

With regards to the rejections of the dependent claims in the instant Office Action, Applicant contents that dependent claims 2-9, 11-20, 22-27 and 29-34 are dependent from base claims 1, 10 and 28, and at least by virtue of their dependency are not obvious over the cited

references. Respectively they are now believed patentable in consideration of the enclosed Declaration.

In view of the foregoing, Applicant respectfully requests reconsideration, withdrawal of all rejections, and allowance of all pending claims in due course. If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Seth Weinfeld", is written over the printed name.

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